

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

\_\_\_\_\_X  
In re: JERRY MIMS,

Chapter 13

Debtor(s).

Case No.: 15-73752-LAS

\_\_\_\_\_X  
**NOTICE OF MOTION**  
**TO VACATE STAY**

SIRS:

PLEASE TAKE NOTICE that upon annexed application of JERRY MIMS, the Debtor herein, dated November 11, 2015, the undersigned will move before:

JUDGE: Honorable LOUIS SCARCELLA, Judge  
UNITED STATES BANKRUPTCY COURT

COURT: 290 Federal Plaza, Room 760  
Alphonse D'Amato Federal Courthouse  
Central Islip, NY 11722

Date: December 8, 2015  
TIME: 10:00 a.m.

RELIEF: For Order, pursuant to 11 U.S.C Sections 362 to allow Debtor to vacate stay against Creditor/Plaintiff, JEAN J. BURDEN So Debtor's can pursue dismissal of Creditor/Plaintiff's Lawsuit in New York State Supreme Court, and for further and other relief as this Court may deem just and proper.

RESPONSIVE PAPERS: Should be submitted to Court and served upon the debtor and debtor's attorney no later than (5) five days prior to the return date of this motion.

Dated: Patchogue, New York  
November 11, 2015

Yours, Etc.  
JERRY MIMS

To: U.S. Trustees Office  
Marianne DeRosa, Trustee  
All Creditors

by: J  
JERRY M. MIMS, Debtor  
130 Barton Avenue  
Patchogue, NY 11772  
(631) 575-1048

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U.S. BANKRUPTCY  
EASTERN DISTRICT OF  
NEW YORK

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

\_\_\_\_\_  
In re: JERRY MIMS,

Debtor(s).

Chapter 13

Case No.: 15-73752-LAS

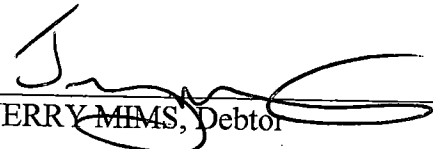
**AFFIDAVIT IN SUPPORT  
OF MOTION**

\_\_\_\_\_  
JERRY MIMS, being duly sworn according to the law, deposes and says”

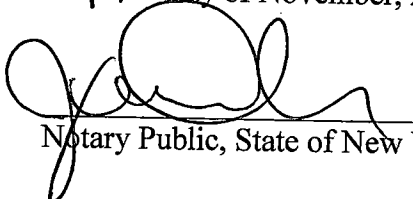
1. I am the Debtor herein.
2. I am fully familiar with the facts and circumstances of this case.
3. Creditor/Plaintiff, JEAN J. BURDEN, was a former client of my Law Offices and filed a Lawsuit against me in 2013 claiming various allegations of fraud and theft, as well as a criminal complaint with many of the same false allegations.
4. I was arrested and charged based on the false, baseless allegations of JEAN J. BURDEN and just recently, I was advised that the criminal complaint is to be dismissed.
5. I now seek to vacate the stay as against JEAN J. BURDEN and SILVER SANDS MOTEL, so I can pursue a motion to dismiss her civil case against me, as the civil is based on the same false allegations stated in the Criminal Case filed against me.
6. It has been nearly three years of defending myself against charges that should have never been filed nor a lawsuit that is without credibility.
7. Consequently, I respectfully ask this Court to vacate the stay in my Chapter 13 case to the extent that it prevents the Civil Case of JEAN J. BURDEN and SILVER SANDS MOTEL from proceeding in the Suffolk County Supreme Court.
8. There is no prejudice to any creditor in my Chapter 13 case if the stay is vacated against JEAN J. BURDEN and SILVER SANDS MOTEL.
9. The Debtor respectfully requests that the Court issue an Order vacating the Automatic Stay in herein, and for such other and further relief as this Court deems just and proper.

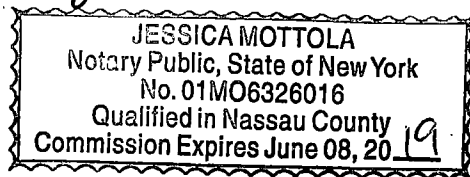
WHEREFORE, the Creditor respectfully requests that the within motion be granted in its entirety.

Dated: November 17, 2015  
Patchogue, New York

  
JERRY MIMS, Debtor x

Sworn to before me on this  
17<sup>th</sup> Day of November, 2015

  
Notary Public, State of New York x



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

In Re: \_\_\_\_\_ X

Case No. 15-73752-LAS

JERRY MIMS,

Chapter 13

Debtor, \_\_\_\_\_ X

AFFIDAVIT OF SERVICE

\_\_\_\_\_, being duly sworn, deposes and says:

1. I am over the age of eighteen years of age.
2. I reside in Suffolk County, New York and am not a party to this action.
3. On or about November , 2015, I served a copy of the Motion to Vacate Stay in Debtor's Chapter 13, upon each party listed below; by placing a copy of said Motion on Short Notice in a brown, paper wrapper addressed to the parties below and placed said envelope in a mailbox under the exclusive custody care and control of the U.S. Post Office:

Marianne DeRosa, Trustee  
100 Jericho Quadrangle  
Suite 208  
Jericho, NY 11753

Clerk, U.S. Bankruptcy Court  
290 Federal Plaza,  
P.O. Box 9013  
Central Islip, NY 11722

Jean J. Burden  
c/o Weber Law Group  
290 Broadhollow Road  
Suite 200  
Melville, NY 11747

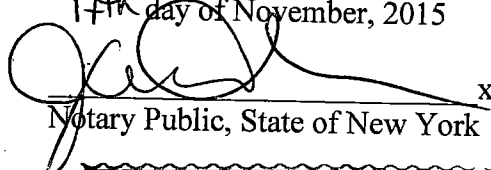
Silver Sands Motel, Inc.  
c/o Weber Law Group  
290 Broadhollow Road  
Suite 200  
Melville, NY 11747

William Krolewicz  
c/o Macco and Stern  
135 Pinelawn Road  
Suite 120 South  
Melville, NY 11747

Dated: November 17, 2015  
Patchogue, NY

 X

Sworn to before me on this  
17th day of November, 2015

 X  
Notary Public, State of New York

JESSICA MOTTOLA  
Notary Public, State of New York  
No. 01MO6326016  
Qualified in Nassau County  
Commission Expires June 08, 2019

United States Bankruptcy Court  
Eastern District of New York

\_\_\_\_\_  
In Re

x

Case No. 15-73752-LAS

JERRY MIMS,

Chapter 13

Debtor,  
\_\_\_\_\_

**MOTION TO VACATE AUTOMATIC STAY IN CHAPTER ~~13~~ 13**

**JERRY M. MIMS  
Debtor  
130 Barton Avenue  
Patchogue, New York 11772  
(631) 575-1048**

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